

FILED

DISTRICT COURT OF GUAM

OCT 19 2005 *X*

MARY L.M. MORAN
CLERK OF COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAM**

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JUSTIN KEITH GUERRERO
Defendant.

) **MAGISTRATE CASE NO. 05-00045-001**

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MODIFICATION REPORT

Re: Request for Modification of Release Conditions

On September 13, 2005 the above referenced defendant made an Initial Appearance in the U.S. District Court of Guam relative to an Information charging him with Possession of Methamphetamine Hydrochloride (as a Misdemeanor), in violation of Title 21 United States Code, Section 844(a) and Title 18 United States Code, Section 2. He was released on a personal recognizance bond with the following conditions: report to the U.S. Probation Office as directed; maintain or actively seek employment; surrender his passport to the Clerk of Court of the U.S. District Court of Guam; obtain no passport; stay away from all ports of entry or exit; avoid all contact directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution; refrain from possessing a firearm, destructive device or other dangerous weapons; refrain from excessive use of alcohol; refrain from any unlawful possession of a narcotic drug or other controlled substances, unless prescribed by a licensed practitioner; submit to drug testing; submit to alcohol testing; not leave the Territory of Guam without the U.S. Probation Office and the Court; maintain residence; and not change residence without the permission of the U.S. Probation Office. Trial is scheduled for November 8, 2005.

On September 14, 2005, Mr. Guerrero reported to the U.S. Probation Office and subjected to a pretrial supervision orientation. He was subjected to urinalysis which yielded positive results for the use of marijuana and methamphetamine. Mr. Guerrero signed an admission form for using marijuana on September 9, 2005 and for using methamphetamine on September 11, 2005. In discussing his drug use with the probation officer, Mr. Guerrero agreed to modify his release conditions to include the following:

ORIGINAL

MODIFICATION REPORT

Request for Modification of Release Conditions

Re: GUERRERO, Justin Keith

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September 28, 2005

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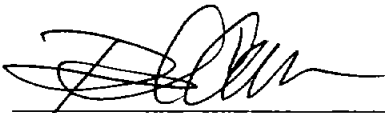
1. The defendant shall submit to a substance abuse intake assessment and any recommended treatment. It is further recommended that the defendant make co-payment for treatment at a rate to be determined by the U.S. Probation Office; and
2. "The defendant shall refrain from the use of alcohol"

In light of Mr. Guerrero's admission of drug use and his desire to participate in drug treatment, this Probation Officer respectfully recommends that the Court modify for the above pretrial release conditions, pursuant to 18 U.S.C. §3142(c)(3).

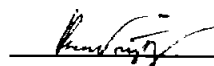
RESPECTFULLY submitted this 28th day of September 2005.

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:


ROBERT I. CARREON
U.S. Probation Officer

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Marivic P. David, AUSA
Curtis Van de Veld, Defense Counsel
File